

**EXHIBIT 5**

**In re Calpine Corp., Case No. 05-60200 (CGM) (Apr. 12, 2007) [Docket No. 4309]**

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

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	:	
In re:	:	Chapter 11
	:	
CALPINE CORPORATION., <i>et al.</i> ,	:	Case No. 05-60200 (BRL)
	:	
Debtors.	:	(Jointly Administered)
	:	
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**ORDER PURSUANT TO 11 U.S.C. § 105(a)**  
**APPROVING CROSS-BORDER COURT-TO-COURT PROTOCOL**

Upon consideration of the motion (the “Motion”), dated April 5, 2007, of the Canadian Debtors<sup>1</sup> for entry of an Order pursuant to section 105(a) of the United States Bankruptcy Code, 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”) approving that certain cross-border court-to-court protocol attached hereto as Exhibit A (the “Court-to-Court Protocol”); and due notice of the Motion having been provided; and it appearing that no other or further notice of the Motion need be provided; and upon the record of a hearing held before this Court on April 12, 2007; and it appearing that the relief sought is in the best interests of the U.S. Debtors and the Canadian Debtors, their respective estates and creditors; and the Court-to-Court Protocol having been approved by the Canadian Court; and after due deliberation and sufficient cause appearing therefore, it is hereby

ORDERED, that the Motion is granted; and it is further

ORDERED, that the Court-to-Court Protocol is approved in all respects; and it is further

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<sup>1</sup> All capitalized terms not otherwise defined herein shall have the meaning set forth in the Motion.

ORDERED that the requirement under Rule 9013-1(b) of the Local Bankruptcy Rules for the Southern District of New York for the filing of a separate memorandum of law is hereby waived.

Dated: New York, New York  
April 12, 2007

/s/Burton R. Lifland  
Burton R. Lifland  
United States Bankruptcy Judge